# PMO:

# Notes from March 22, 2012 PMO Review Group Meeting (Draft V6)

March 22, 2012

This document summarizes the comments and ideas from the PMO Review Group discussion at the March 22, 2012 meeting in the Staff Conference Room. Comments from the Review Group are inserted below each of the Division and/or Section headings in the Table of Contents below, while general comments relative to the PMO as a whole are noted under the Chapter heading.

### **CHAPTER 7-01 PROPERTY MAINTENANCE**

- Need to keep the ordinance simple so it can be enforced properly.
- Rather than using the PMOs from Tucson and Phoenix, we should also look at PMOs from cities similar in size to Flagstaff. Williams and Yuma were suggested.
- "The PMO is not intended to fix ugly".
- Use the League of Neighborhoods and other neighborhood associations as a resource for the implementation of the PMO.
- Agreement that the PMO would be applied and enforced as necessary in a reasonable manner.
- Implementation need to find funding sources and tools to assist qualified home owners who need assistance to achieve compliance with the PMO [Comment submitted by a member prior to the March 22, 2012 meeting knowing he could not attend.]

### **DIVISION 7-01-001 GENERAL PROVISIONS**

7-01-001-0001 Title

7-01-001-0002 Purpose

• Discussion on paragraphs B. and C. Two residents talked to me after the meeting and captured what I think the Review Group was trying to say, i.e. the intent of the PMO must be very clear. If we are only dealing with the nasty and egregious cases then we should say so. In other words, codify somehow my comment that the small amount of peeling paint on the rafters/fascia of my home is an example of what we would not be looking for on properties in Flagstaff. This may be hard to do, because it is based on the reasonableness test.

7-01-001-0003 Applicability

7-01-001-0004 Permit Required

7-01-001-0005 Conflict of Ordinances

7-01-001-0006 Severability

7-01-001-0007 Definitions

• These are very important – the group will review and provide comments back to staff as soon as possible.

## **DIVISION 7-01-002 MAINTENANCE STANDARDS**

7-01-002-0001 Building and Structure Exteriors

A. Exterior surfaces

- Revisit this Division and Section to ensure that it is written to emphasize protection of the structure and not aesthetic considerations. Some members of the Review Group were uncomfortable with this Section as currently drafted.
- Be cautious that the PMO does not become a tool for neighbors to manipulate the City. Don't
  want the PMO to be a means for one neighbor to turn in another over something trivial as
  stated above, the intent is the egregious problem structures or conditions that pose legitimate
  health, safety, and welfare concerns.
  - 1. Weather protection
  - 2. Protective treatment
  - 3. Boarded window or door openings
- Subparagraph a. suggestion that we define what "temporary" is in this context, i.e. how many days?
- Subparagraph b. clarify what the trigger would be for starting the 180 day period.

## B. Foundations, walls, roofs, and chimneys

- Paragraph 3: Roofs and Drainage. Concern about for example, the accumulation of pine needles in a gutter as a trigger for enforcement by the City, or for a complaint by one neighbor against another. There is a need for checks and balances. [From staff this comes down to reasonableness again, and we will attempt to codify somehow.]
- Paragraph 3: Roofs and Drainage. [Comment submitted by a member prior to the March 22, 2012 meeting knowing he could not attend.] The second sentence seems to be too restrictive – rather stay with weather protection.
- Paragraph 5: Decorative Features. Suggestion that the reference to "terra cotta trim" be deleted as this is a detail more common in Valley cities. Also, keep the emphasis on "proper anchorage and in a safe condition" rather than "maintained in good repair".

## C. Doors, windows, and skylights

• [Comment submitted by a member prior to the March 22, 2012 meeting knowing he could not attend.] "Weather tight" should be defined. Also, it was suggested that subparagraphs 2 and 3 should be deleted.

## D. Fences, screen walls, and retaining walls

- [Comment submitted by a member prior to the March 22, 2012 meeting knowing he could not attend.] Delete the requirement for "uniform in color", as well as subparagraph I regarding leaning fences. Note this is an issue that has been discussed by at least one councilor, and staff suggests that it should be retained.
  - E. Exterior stairs, railings, balconies, porches, and decks
  - F. Address display

#### 7-01-002-0002 Exterior Premises and Vacant Land

- A. Accumulation of vegetation prohibited
- Paragraph 1: Support for the use of the term "untended growth of vegetation".
- Paragraph I: Remove the reference to "weeds" or define this term.
- Paragraph I: Review group to advise on the height of grasses and other plants is 12" appropriate or should it be taller?
- Paragraph 1: [Comment submitted by a member prior to the March 22, 2012 meeting knowing he could not attend.] Delete the clause regarding "vermin on the property or surrounding properties". Also delete subparagraph c. regarding dead plants or parts of plants. In subparagraph d. delete "under the sidewalk". Staff agrees with this latter comment.

- B. Litter
- C. Maintenance of ground covers and grasses abutting public sidewalks, streets, and alleys
- More work by staff required on this paragraph.
  - D. Pruning, maintenance, removal, and replacement of vegetation in abutting public sidewalks, streets, and alleys
- More work by staff required on this paragraph.
  - E. Drainage
- Second paragraph of this section requires a verb to improve the sentence structure.
- [Comment submitted by a member prior to the March 22, 2012 meeting knowing he could not attend.] Delete subparagraph 2. Note that staff disagrees this is in existing City Code.
  - F. Exterior insect, rodent, and animal control
  - G. Offensive materials and substances
- Paragraph 3 regarding noxious fumes: Clarify this section to state that it is not intended to limit
  wood burning fireplaces. Should there be a cross-reference to the Fire Code or WUI Code?
  Should "noxious" be defined, and is this a defined term in the Fire Code associated with
  hazardous conditions?
  - H. Exterior hazard and attractive nuisance
    - 1. Abandoned refrigerators
- The first and second sentences of this section appear to be contradictory. Clarify.
  - 2. Hazardous excavations
  - 3. Hazardous pools
  - 4. Building materials
- Lots of conversation on this topic. One suggestion was to delete it, but it appeared that the group preferred to retain it if it was amended to possibly set a time limit for the removal of these materials after issuance of a certificate of occupancy. But what about building materials that have been on a property for years and when there may not be construction activity? How is this to be addressed?
  - I. Firewood
  - J. Displaying vehicles for sale on property
- While the intent of this Section is good, it was agreed that it should be rewritten in easier to understand language.

7-01-002-0003 Buildings and Structures Constituting a Nuisance

7-01-002-0004 Abandoned and Junked Vehicles

- A. Permitted storage
- B. Prohibited storage

## 7-01-002-0005 Graffiti Prohibited

A. Intent

B. Graffiti prohibited

## DIVISION 7-01-003 ADMINISTRATION AND ENFORCEMENT [Start here next meeting]

7-01-003-0001	Violations	-	
7-01-003-0002	Enforcement Authority		
7-01-003-0003	Remedies not Exclusive		
7-01-003-0004	Interference with Enforcement Personnel		
7-01-003-0005	Inspection		
7-01-003-0006	Cooperation of Other Departments		
7-01-003-0007	Civil Enforcement; Penalties		
7-01-003-0008	Criminal Enforcement; Penalties		
7-01-003-0009	Emergency Abatement		